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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND BRANCH

UNITED STATES OF AMERICA,)	No. CR 09-00812 SBA
Plaintiff,)	
v.)	
MCCORL GILMORE, JR.,)	STIPULATION AND
aka Guy Leon McClay,)	ORDER TO CONTINUE STATUS
Defendant.)	CONFERENCE TO FEBRUARY 23,
)	2010

The above-captioned matter is set on February 2, 2010 before this Court for status conference. The parties request that this Court vacate that date and set this matter for status conference on February 23, 2010 at 9:00 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and February 23, 2010. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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Such continuance is required because the parties need to research the potential consequences of Mr. Gilmore's prior criminal convictions as they relate to the career offender provisions of the Sentencing Guidelines, and the potential applicability of other sentencing enhancements under 18 U.S.C. § 3559. Additionally, government counsel was out of the district for training the week of January 25 through 29, 2010. This continuance will allow the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

As such, the parties respectfully request that the time between February 2, 2010 and February 23, 2010 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(iv).

DATED: February 3, 2010

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/ Christina McCall
CHRISTINA McCALL
Assistant United States Attorney

/s/ J. Frank McCabe
J. FRANK McCABE
Attorney for McCorl Gilmore, Jr.

ORDER

Based on the reason provided in the stipulation of the parties above, the Court hereby FINDS that for adequate preparation of the case by all parties, and in the interest of justice, pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv), an exclusion of time is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY ORDERED THAT the hearing is continued until February 23, 2010 at 9:00 a.m., and time is excluded until February 23, 2010.

IT IS SO ORDERED.

DATED: 2/2/10

Saundra B. Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge

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